

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DANIEL RENE RAMIREZ, §  
TDCJ #598169, §  
§  
Plaintiff, §  
§  
v. § CIVIL ACTION NO. H-06-0737  
§  
ELDERICK BRASS C.O. III, *et al.*, §  
§  
Defendants. §

**ORDER OF DISMISSAL**

The plaintiff, Daniel Rene Ramirez, is an inmate in custody of the Texas Department of Criminal Justice - Correctional Institutions Division (collectively, "TDCJ"). The allegations in the complaint are the same or nearly identical to claims raised by Ramirez in a previous action filed against the same defendants in this district. *See Ramirez v. Brass*, Civil No. H-05-3872 (S.D. Tex.). In that case, Ramirez was granted leave to proceed *in forma pauperis* and the district court directed him to file an amended complaint. Because it is evident that the complaint in this case was intended for filing in the previous action, the Court concludes that this case (H-06-0737) was improvidently filed.

Accordingly, the Court **ORDERS** as follows:

1. This case (H-06-0737) is **DISMISSED** without prejudice.
2. The Clerk's Office shall place a copy of the complaint [Doc. #1] and this order on the docket in H-05-3872.

The Clerk will provide copies of this order to the parties.

SIGNED at Houston, Texas on **March 16, 2006**.



Nancy F. Atlas  
Nancy F. Atlas  
United States District Judge